

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**G.B. and L.B.. on behalf of their minor child,
NB, and on their own behalves,**

Plaintiffs,

vs.

TUXEDO UNION FREE SCHOOL DISTRICT,

Defendant.

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Civil Action 09 -CV- 859 (KMK)

**NOTICE OF CROSS-MOTION
FOR SUMMARY JUDGMENT**

TO: Michael H. Sussman, Esq.
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Goshen, New York 10924

PLEASE TAKE NOTICE that the defendant will move before the Hon. Kenneth M. Karas, U.S.D.J., at the United States District Court, 300 Quarropas Street, White Plains, New York on such date as shall be set by the Court pursuant to the briefing schedule it has established, for an Order and Judgment denying the plaintiff's application to supplement the record of the administrative proceedings below and granting the defendant a summary judgment under Rule 56 of the Federal Rules of Civil Procedure affirming the decision of the State Review Officer in SRO Decision No. 08-087 or, alternatively, that 20 U.S.C. § 1412(a)(10)(C)(iii) and the balancing of the equities warrants a denial of the plaintiffs' claims for tuition reimbursement, and further granting said defendant such other and further relief as the Court may deem just and proper.

Dated: September 15, 2009

SHAW, PERELSON, MAY & LAMBERT, LLP
Attorneys for Defendant

By: _____/S_____
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